(45)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 1387 of 2007

Single Bench:Hon'ble Shri Satish K. Agnihotri, J.

Petitioner : Raju Yadav, S/o Dhansai Yadav Aged about 30 years, resident of Village Kudri, Block-Baloda, District-Janjgir-Champa (C.G.)

Versus

Respondents :

1. State of Chhattisgarh through Secretary, Panchayat & Social Welfare Department, Mantralaya, D.K.S. Bhawan, Shastri Chowk, Raipur (C.G.)
2. Deputy Director, Panchayat & Social Welfare Department, District Janjgir-Champa (C.G.)
3. Sub-Divisional Officer, (Revenue) Janjgir, District-Janjgir-Champa (C.G.)
4. Chief Executive Officer, Janpad Panchayat, Baloda, District Janjgir-Champa (C.G.)
5. Sarpanch, Gram Panchayat Kudri, Block Baloda, District Janjgir-Champa (C.G.)
6. Rakesh Roshan Yadav S/o. Late Radhey Shyam Yadav, aged about 34 years, Resident of village-Kudari, Block-Baloda, District Janjgir-Champa (C.G.)
7. Collector, Janjgir-Champa (C.G.)

Present: Mr. Raghavendra Pradhan, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/ respondent No. 1 to 3 and 7.
Mr. Parag Kotechha, counsel for the respondent No. 6.

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ORDER

(Passed on 13th Day of March, 2007)

1. In this petition, the petitioner challenges the non appointment of the petitioner as Panchayat Karmi/Secretary on the ground that the proceedings of Gram Sabha for approval of appointment was not in accordance with law.

2. The petitioner preferred an appeal before the Sub-divisional Officer (Revenue) Janjgir, District- Janjgir-Champa whereunder, vide order dated 10.4.2006 (Annexure P/6), allowed the application of the petitioner and declared the proceedings for appointment of respondent No. 6 as bad.

3. Being aggrieved, the respondent No. 6 preferred an appeal before the Collector, Janjgir-Champa. The Collector, Janjgir-Champa vide order dated 14.11.2006 (Annexure P/1), after having considered all the aspects, quashed the order passed by the Sub-Divisional Officer and allowed the appeal of the selected candidate respondent No. 6. There is an alternative efficacious remedy available to the petitioner under Rule 3 of the M.P. Panchayats (Appeal and Revision) Rules, 1995 which the petitioner has not availed before coming to this Court.

4. Thus, the writ petition is disposed of with a liberty to avail the statutory remedy that may be available to him.

Consequently, M.(W.)P. No. 894/2007, an application for grant of interim writ, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Subhash